

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, AUGUST 29, 2006

The Truro Board of Selectmen met for their weekly session on Tuesday, August 29, 2006 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Assistant Town Administrator Charleen Greenhalgh, Administrative Secretary Julie DuPree, Martha Nagy, Carol Nickerson, Dan Holland, Anthony Joseph, Lisa Olson, Caroline Herron, Dan Holland and sons, Dan Katz, Cynthia Slade, Trudi Brazil, Lucinda Worthington, Diane LaFrance, Fernando deSousa, Charles P. Morton, Richard Lay, Tim Silva, Frank and Alice Caulfield, Mike Roderick, Fred Sateriale, Linda Maloney, Bill Phillips, Pat Snell, Art Hultin, Steve Desroche of the Cape Codder, Eric Williams of the CC Times, and Jen Rumpza of the Banner.

Mr. Gaechter convened the meeting at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the regular and Executive Sessions of August 22, 2006, as presented, and to hold the Executive Session minutes in abeyance. Mr. Lucy seconded it. Vote: 5-0, unanimous.

Public Comment: Mr. Phillips told the Board that he appreciated what they had done to bring the decibels of the bells and chimes down, but he would like them to bring them down about 10 decibels more. He hopes the BOS will give the 10-12 families living nearby further consideration. Ms. Nickerson told the BOS that she lives on Town Hall Road, and when she was told the bells were back on, she couldn't hear them--not from her yard, or even when she walked down the road toward Town Hall. Mr. deSousa told the Board that he didn't see how they could lower them anymore. Ms. LaFrance said she had been delighted when she first heard that the bells were back on. She noted that she can hear traffic from Route Six on a westerly wind, and if she can hear that, she should be able to hear the chimes. She cannot. She said that the chimes are a part of life in Truro for many of us. Ms. Worthington agreed with her. She can no longer hear them from her home. She noted the irony that people who don't want to hear the chimes are the only ones who can hear them. Ms. Herron said that she would like to hear them. Mr. Katz said he is a taxpayer and he can't hear them. He paid for Town Hall and the belfry with his tax dollars, and he would like to hear them.

Pamet Harbor mooring appeal: Mr. Gaechter asked Mr. Caulfield to explain the reason for his appeal to the BOS. Mr. Caulfield responded that he would like clarification of what the issue is. Referring to past correspondence, he stated that the issue between him and his float mate has been resolved. Harbor Master Joseph told the Board that this is an on-going issue that he inherited. In his opinion, Mr. Caulfield has not resolved his monetary situation with Mr. Holland and he is still denying him to put the float in the space until it is resolved. Town Counsel has opined that the issue is a civil matter between the two of them and not a town issue. Two weeks after Mr. Caulfield's receipt of the August 22nd letter which he sent certified to Mr. Caulfield, he plans to reassign the space in accordance with the Pamet Harbor Rules and Regulations. Mr. Gaechter asked what he would accept as proof that the matter was resolved. Mr. Joseph said that he required notarized letters from both parties that they have come to an agreement. Mr. Holland said he was sorry it had come to this level. He thanked the BOS for

intervening. He explained that he had enjoyed the privilege of using Pamet Harbor for 40 years. He has found the recent fees Mr. Caulfield has asked for to be unreasonable and he has refused to pay them. He is willing to pay for the past years an amount that he feels is reasonable. Mr. Gaechter questioned Mr. Caulfield on why he felt the issue was resolved if the other party did not. Mr. Caulfield said Mr. Holland has been avoiding a discussion with him. He has gotten no mooring maintenance fee since 2001 and he has forgiven that. He has repeatedly asked Mr. Holland to talk to him. He has forgiven everything. Mr. Gaechter said the matter could be resolved if both parties will sign notarized letters to this. Mr. Holland noted that he has written to Mr. Caulfield, but has gotten no replies. Mr. Caulfield raised the point that the harbor regulations in #13 call for liability insurance, but Mr. Holland has never gotten any and he is not comfortable with that. Mr. Holland responded that he has adequate insurance. He has never been asked for it, and will be willing to provide it. Mr. Silva said last year they were told this was a civil matter and the PHC stands by that, noting #11 in the regulations. Ms. Worthington also noted that the regulations state that you do not exchange money for the right to use a mooring. Mr. deSousa said that there was originally an agreement between the two parties. Mr. Gaechter said that it had fallen by the wayside and this is the problem. It is affecting the operation at the harbor. Mr. Holland said that he is not here early in the boating season, and Mr. Caulfield has serviced and maintained the float and he thought it was reasonable to pay him, but he doesn't want to get into a situation where Mr. Caulfield can pick a number out of the sky. Mr. Joseph said he wants the BOS to understand that he is standing firm on this. If it is not resolved, he will reassign the space. Mr. Palmer said it is his job to maintain order in the harbor and asked if this issue was having an impact. Mr. Joseph said that it is creating disharmony. **Mr. Gaechter moved to sustain the position of the Harbor Master in that they must resolve the issue within the time limit set by the Harbor Master or the space will be reassigned. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Curb Cut: 60 Depot Road: Mr. Hultin explained that this was an application to move the existing access 25-30 feet east, replacing the old driveway. Mr. Gaechter noted that this application has been approved by the DPW Director and the Chief of Police. **Mr. Gaechter moved to approve the application. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Curb Cut: 99 Castle Road: Mr. Lay explained this was for a subdivision of lot 5 and would be the driveway for a single family dwelling. **Mr. Palmer moved to approve the application. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

Discussion of Report on Truro's Financial Offices: Ms. Nolan explained that in the report from Financial Advisory Associates, it was noted that the date that was set by the BOS was not reasonable. Ms. Maloney is targeting November 1st as the date for the Classification Hearing, while she is targeting October 15th. It will take a month after that to get the tax bills out. She met with the IT Director and he doesn't foresee any reason not to make this date. All three financial offices agree that there is nothing in any of their offices that would keep them from meeting this date. She said that communication is essential and she will be monitoring it closely. Mr. Gaechter asked if they would be able to meet the date in future years. Ms. Nolan responded that yes, they should be able to meet the date in the future. Ms. Maloney explained her reasoning

for the November 1st date. Mr. Gaechter asked if they were looking at the creation of logs and documents as recommended in the report. Ms. Nolan said that they were. Mr. Palmer thought the oversight of this was best left in the hands of the Town Administrator. Mr. Gaechter said that she reports to the BOS, and he wanted monthly reports to the BOS. Mr. Hartman noted the report said that we had very capable staff. He questioned if they could do this without the specific performance tools specified in the report. Ms. Nolan said that meeting together was the single most important tool, and she thanked him for pointing out that the report does say our people are very functional. We have good people. She promised if there were problems, the BOS would hear about it. Mr. Gaechter asked if they were looking at quarterly bills again. Mr. Palmer thought it would require increased staff. Ms. Maloney said she would not recommend it for the same reasons it was not done before; she feels nothing has changed. Ms. Worthington asked if there anything that came out of the report that the BOS could help with. Ms. Brazil said that if another significant personnel change was made, that they be made aware of it so they could anticipate any changes it would cause to the process. Ms. Maloney said the assessors will set a timeline for the next tax bill as soon as this one is mailed out. Mr. Gaechter said that their cooperation was noted in the report.

Videographer Contract: Ms. Nolan told the Board that there is a contract with Eliza Harned in the signature file. She brings this to their attention because there will be frequent changes. Ms. Harned will be leaving at the end of November.

STM Warrant: Mr. Palmer moved to open the Warrant for a November 14, 2006 STM on this date, August 29, 2006, and to close the Warrant on Friday, September 29, 2006. Mr. Gaechter seconded it. Vote: 5-0, unanimous.

Town Administrator's Report: (action items)

- Reported that the bells were turned on August 24th after the Health Agent took decibel measurements on the 23rd. It is under the required reading of 10 decibels over ambient background noise. She noted the reduced volume and the differing opinions on how frequently they should ring. Discussion ensued on the definition of ambient. Ms. Nolan noted that it is not defined by the DEP. Mr. Gaechter wondered if we could get more noise out of it while still remaining under ambient. He wants to keep it within DEP or close to it, but if we are significantly lower, he would like to raise the volume. Mr. Palmer thought they should raise it to a level that it can be heard because ambient changes. Ms. Nolan said the bells and chimes are now on a ringing schedule of 8:00 a.m. - 8:00 p.m. on week days, and 10:00 a.m. - 8:00 p.m. on week ends. In addition to hourly, they are ringing on the quarter hour, half hour, and three-quarter hour. **Mr. Gaechter moved to confirm the Town Administrator's schedule for ringing the bells and chimes. Mr. Lucy seconded it. Vote: 5-0, unanimous.** Ms. Nagy noted she was distressed at the low volume, and if it is so low, she sees no reason not to go to the old ringing schedule and to proceed with trying to bring this town treasure back to the people. **Mr. Palmer moved to ring the bells hourly from 9:00 p.m. - 7:00 a.m. as a concomitant schedule to the Town Administrator's ringing schedule. Mr. Gaechter seconded it. Vote: 5-0, unanimous.** Ms. Nolan was directed to have Church Specialties come back to adjust the volume. Ms. Nagy requested that they continue to look into a definition of ambient.

Other business: The Licensing Agent received a request from the Truro Sea Grill to close their business from September 4, 2006 until September 30, 2006 due to illness. **Mr. Gaechter moved to approve the request. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Selectmen/Liaison Reports: (action items)

Hartman: -The CPC will have approximately \$315k to spend. They have received four proposals. They are holding a public hearing on September 18th at 7:00 p.m., and will vote on them on September 25th. They will come to the BOS after that.

Gaechter: -Received an e-mail letter from Kathleen Walker of the USPS that the process is complete to revisit a new NT post office. She would like to come to the BOS meeting on September 19th. He directed Ms. Nolan to schedule an executive session on this topic for September 12th.

Palmer: -Reported that the BOH has not yet set the date for a public hearing on the revised regulations. The hearing will be advertised when a date is set, but they do not plan to publish the entire regulations. Instead, notice will be given that copies are available at the Town Hall. Mr. Gaechter felt the BOH should bring the revision to them before the public hearing. Mr. Palmer will discuss this with the BOH at their meeting next week.

-Received an e-mail from Gordon Peabody inviting the Truro BOS to appoint a representative to be a member of the Herring River Technical Committee. **Mr. Hartman moved to change Mr. Palmer's role from liaison to a member. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

Worthington: -Reported that Captain Childs has resigned from the Rescue and Fire Department as of last week. Mr. Gaechter said he wanted to discuss the matter further in Executive Session this evening.

Next week's agenda: Veteran's memorial committee report, Delbanco Conservation Restriction.

At 7:20 p.m. Mr. Gaechter moved to convene in Executive Session under the provisions of MGL Chapter 39, Section 23B to consider negotiations and personnel matters and to not reconvene in Open Session. Roll Call Vote: Hartman, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Worthington, aye. 5-0, unanimous.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington

Board of Selectmen
Town of Truro

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